
NEW JERSEY ADMINISTRATIVE CODE

**TITLE 2
AGRICULTURE**

**CHAPTER 20
QUARANTINES**

Authority

N.J.S.A. 4:1-21.5, 4:6-20, and 4:7-1 et seq.

Source and Effective Date

R.2000 d.345, effective July 27, 2000

See: 32 N.J.R. 1454(a), 32 N.J.R. 3057(b).

Executive Order No. 66 (1978) Expiration Date

Chapter 20, Quarantines, expires on July 27, 2005.

SUBCHAPTER 1. GOLDEN NEMATODE

2:20-1.1 Golden Nematode deemed a threat to agriculture

The fact has been determined by the New Jersey State Board of Agriculture, and notice is hereby given, that a nematode (*Globodera rostochiensis*), present in the state of New York and Canada, and not known to be present in New Jersey, constitutes a serious threat to agriculture in New Jersey.

2:20-1.2 Soil and sod shall not contain Golden Nematode

No soil, including sod, and sand, shall be moved from any area, known to be infested with Golden Nematode, into the State of New Jersey, except when fumigated by an approved method and certified as such, or except to laboratories approved by the Deputy Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture for such purposes as set forth in the federal regulation regarding interstate movement of soil samples containing Golden Nematode for processing, testing or analysis, 7 CFR s. 301.85-3(b).

2:20-1.3 Material in violation confiscated

Material entering New Jersey in violation of this order shall be confiscated.

SUBCHAPTER 2. WHITE PINE BLISTER RUST (*CRONARTIUM RIBICOLA FISHER*)

2:20-2.1 White pine blister rust declared a nuisance

The State Board of Agriculture has determined that white pine blister rust (*Cronartium ribicola* Fischer) is a dangerous plant disease and is hereby declared a nuisance.

2:20-2.2 Preventing the spread of white pine blister rust

- (a) In order to prevent the spread of white pine blister rust (*Cronartium ribicola* Fisher in the State of New Jersey, the distribution and movement of the plant material will be regulated as follows:
1. Five-needled pines (*Pinus sp.*), except such pines visibly infected with white pine blister rust, may be moved into or within New Jersey.
 2. The possession or movement of plant cultivars and hybrids of European Black Currant (*Ribes nigrum* L.) into or within New Jersey is only allowed under special permit issued by the Department.
 3. The possession or movement of red currant and gooseberry plants (*Ribes sp.* and *Grossularia sp.*) into or within New Jersey except the following municipalities, constituting a protective area: Montague, Sandyston, Walpack and Vernon Townships in Sussex County; West Milford, Ringwood Borough and Wanaque Township in Passaic County; and Jefferson Township in Morris County.
 4. Currant plants and gooseberry plants other than the European Black Currant (*Ribes nigrum* L.) may be moved into and within all other points in New Jersey by complying with the general requirements of the New Jersey Department of Agriculture for the movement of nursery stock (N.J.S.A. 4:7-16 et seq.).

2:20-2.3 Special permit for the importation and/or growing of plant cultivars and hybrids of European Black Currant (*Ribes nigrum* L.) in New Jersey.

- (a) Any person who wants to import or grow white pine blister rust resistant/ immune varieties of European black currant (*Ribes nigrum* L.) plants into the state must first complete an application form, supplied by the Department, which includes the following information:
1. The name, address, and telephone number of person applying for permit.
 2. The number of plants to be grown or imported during permit period listed by cultivar.
 3. A detailed map showing where the *Ribes* cultivars where plants will be grown during the permit period.
- (b) An application is not valid as permit unless signed by authorized Department official.
- (c) Plant cultivars and hybrids of *Ribes nigrum* L. shall be labeled as follows:
1. Imported plants must be labeled with cultivar nomenclature during movement into or through state.

2. Plants growing in the field must be labeled with cultivar nomenclature at the beginning and end of each row.
 3. If plants are moved, the grower must provide notification to the Department, including a map of the new plant location, within seven days of movement.
- (d) Only the following white pine blister rust resistant/immune cultivars are permitted:
1. “Consort”
 2. “Coronet”
 3. “Crusader”; and
 4. “Titania”
- (e) For new introductions, permittee must provide to the Department a certification from plant source that all plants are white pine blister rust resistant/immune cultivars as indicated in 2:20-2.3 (d) above.
- (f) Inspection by Department shall proceed as follows:
1. The permittee must allow Department to access site where plants are grown.
 2. The Department may inspect plants at least once each year during permit period to ensure freedom from white pine blister rust disease.
 3. If white pine blister rust is found on less than two percent of plants of a specific cultivar, permittee shall remove and destroy all infected plants within 10 days of order by the Department.
 4. If white pine blister rust disease is found on more than two percent of plants of a specific cultivar, permittee shall remove and destroy all plants of the infected cultivar within thirty days of order by the Department.
 5. Any signs or symptoms of the white pine blister rust observed on any of the *Ribes* cultivars shall be reported by the permittee to the Department within five days.
- (g) No new plants may be propagated from existing plants unless authorized in writing by the Department.
- (h) Conditions for permit amendment, expiration or revocation are as follows:
1. The permit shall expire five years from date of issuance.

2. At the end of the permit period, the permittee shall remove and destroy all permitted plants unless permit is amended and approved by Department. A permittee who violates this section may be subject to penalty action by the Department as authorized by NJSA 4:7-18.
3. If any additional plants are to be received by the permittee during this period, the permittee shall amend his or her permit application in writing. Such amendment must include written certification from the source of the plants that they are white pine blister rust resistant varieties. A map of the proposed planting site must also be submitted with the request for permit amendment.
4. The Department may revoke the permit at any time if it determines that permittee did not follow permit conditions or if plants appear to be a cause of spread of white pine blister rust.

2:20-2.4 Annual inspection fee

- (a) The Department will assess a fee for inspections necessary to implement this permit.
- (b) A fee of \$75.00 will be charged annually for inspection of a growing site containing less than two acres.
- (c) A fee of \$75.00 plus \$4.00 per acre, or part thereof, will be charged annually for inspection of a growing site containing 2 acres or more.
- (d) Determination of inspection fee is based only on those lands on which *Ribes* cultivars are actually growing.
- (e) The grower shall be entitled to one reinspection at no additional charge.
- (f) Fees for additional reinspections of a *Ribes* location, due to failure on the part of the grower to control white pine blister rust disease, as prescribed on the inspection report, shall be assessed for each location reinspected using the fee schedule in (b) and (c) above.
- (g) The inspection fee shall be payable within 30 days of receipt of invoice.
- (h) A late fee of \$5.00 shall be assessed if payment is not received with 15 days of the due date printed on the original invoice.
- (i) Failure to pay the fee may result in the revocation of the permit.
- (j) All fees shall be paid to the New Jersey Department of Agriculture, Division of Plant Industry, PO Box 330, Trenton, NJ 08625-0330.

SUBCHAPTER 3. CERIFERUS (OR JAPANESE) WAX SCALE (*CEROPLASTES CERIFERUS F.*)

2:20-3.1 Ceriferus (or Japanese) Wax Scale (*Ceroplastes ceriferus F.*)

It has been determined by the New Jersey State Board of Agriculture that the Ceriferus (or Japanese) Wax Scale (*Ceroplastes ceriferus F.*) is a dangerously injurious insect and constitutes a menace to the trees and shrubs of the State of New Jersey. The Ceriferus (or Japanese) Wax Scale is not native to the State of New Jersey. The harboring or importation of the Ceriferus (or Japanese) Wax Scale is prohibited. Any building, product or means of conveyance of any character whatsoever, which, in the determination of the Department of Agriculture, presents a risk of the spread of the Ceriferus (or Japanese) Wax Scale, shall be subject to the measures of control allowed by the Statutes of New Jersey.

SUBCHAPTER 4. MEDITERRANEAN FRUIT FLY (*CERATITUS CAPITATA*)

2:20-4.1 Mediterranean Fruit Fly (*Ceratitus capitata*)

It has been determined by the New Jersey State [Department] Board of Agriculture that the Mediterranean Fruit Fly (*Ceratitus capitata*) is a dangerously injurious insect and constitutes a menace to the fruits and vegetables of the State of New Jersey. The Mediterranean Fruit Fly is not native to the State of New Jersey. The harboring or importation of the Mediterranean Fruit Fly is prohibited. Any building, product or means of conveyance of any character whatsoever, which, in the determination of the Department of Agriculture, presents a risk of the spread of the Mediterranean Fruit Fly, shall be subject to the measures of control allowed by the Statutes of New Jersey.

SUBCHAPTER 5. AFRICANIZED HONEYBEE (*APIS MELLIFERA SCUTELLATA*)

2:20-5.1 Africanized Honeybee (*Apis mellifera scutellata*); prohibitions

It has been determined by the New Jersey State Board of Agriculture the Africanized Honeybee (*Apis mellifera scutellata*) is a dangerously injurious insect and constitutes a menace to the practice of apiculture in New Jersey. The Africanized Honeybee is not native to the State of New Jersey. The keeping or importation of Africanized Honeybees in any stage of development, including honeybees with characteristics identifiable with the subspecies (*Apis mellifera scutellata*), regardless of the purity of the genetic strains of the bees, fresh or frozen bee sperm, equipment, shipping and storage containers that have been used at an apiary, unprocessed comb, vehicles that have been used to carry regulated articles, other than fresh or frozen been sperm, is prohibited. Any other product, article or means of conveyance of any character whatsoever, if in the determination of the Department of Agriculture, presents a risk of the spread of the Africanized Honeybee, shall be prohibited.

SUBCHAPTER 6. KHAPRA BEETLE (*TROGODERMA GRANARIUM EVERTS*)

2:20-6.1 Khapra Beetle (*Trogoderma granarium Everts*)

It has been determined by the New Jersey State Board of Agriculture that the Khapra Beetle (*Trogoderma granarium* Everts) is a dangerously injurious insect and constitutes a menace to the food and grains stocks of the State of New Jersey. The Khapra Beetle is not native to the State of New Jersey. The harboring or importation of the Khapra Beetle is prohibited. Any building, product or means of conveyance of any character whatsoever, which, if in the determination of the Department of Agriculture, presents a risk of the spread of the Khapra Beetle, shall be subject to the measures of control allowed by the Statutes of New Jersey.

SUBCHAPTER 7. POSTENTRY QUARANTINE

2:20-7.1 Definitions

As used in this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

“APHIS” means the United States Department of Agriculture Animal and Plant Health Inspection Service.

“Department” means the New Jersey Department of Agriculture.

“Emergency action notification” means the United States Department of Agriculture form known as “Emergency Action Notification (PPQ Form 523),” and is a written notification issued by APHIS to a person holding a postentry quarantine agreement or permit, and/or who owns and/or is in possession of a site where plants or plant products are being grown under postentry quarantine, requiring the person to take action at the site under the direction of the Department.

“Exotic plant pest” means a plant pest not known to exist in the United States.

“Inspector” means any person officially designated by the Department, or an employee of APHIS, authorized to enforce the provisions of this subchapter.

“Notice of shipment” means the United States Department of Agriculture form known as “Notice of Shipment and Report of Inspection of Imported Plants To Be Grown Under Postentry Quarantine (PPQ Form 236)” issued by APHIS at a port of entry. This form serves to notify the Department of a release by APHIS from a port of entry of a kind and number of plants to a person holding a postentry quarantine permit for the purpose of growing such plants under postentry quarantine.

“Person” means an individual, firm, corporation, company, limited liability company, society, association, or other business.

“Plant” means any part of a plant, tree, aquatic plant, plant product, shrub, vine fruit, rhizome, sod, vegetable, seed, bulb, stolon, tuber, corm, pip, cutting, scion, bud, graft or fruit.

“Plant pest” means, but is not limited to, any pest of plants, agricultural commodities, horticultural products, nursery stock, or non-cultivated plants. This includes but is not limited to insects, snails, nematodes, fungi, viruses, bacterium, microorganisms, mycoplasma-like organisms, weeds, plants or parasitic higher plants.

“Postentry quarantine” means a restriction on the growth and movement of plants imported to the United States of America pursuant to 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference, for the purpose of determining whether the plants are infested or infected with plant pests not discernible by port-of-entry inspection, for a period of six months after importation of Chrysanthemum spp., for a period of one year after importation of Dianthus spp., and for a period of two years after importation for all other plants.

“Postentry quarantine agreement” means the United States Department of Agriculture form known as “Agreement for Postentry Quarantine -- State Screening Notice (PPQ Form 546)” issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service. This form serves to notify the Department of the pendency of a person’s application for a postentry quarantine permit and indicates the terms and location within a space of dimensions of a proposed postentry quarantine. A copy of this APHIS form may be obtained by writing to the Division of Plant Industry, Department of Agriculture, P O Box 330, Trenton, NJ 08625-0330, or telephoning (609) 292-5442.

“Postentry quarantine permit” means the United States Department of Agriculture form known as “Import Permit for Plants and Plant Products (PPQ Form 597)” issued by APHIS to a person approved by APHIS to receive plants subject to postentry quarantine.

“Site” means premises owned, rented, or otherwise in possession of a person who entered into a postentry quarantine agreement, specified in the postentry quarantine agreement as the actual location where plants subject to postentry quarantine will be grown.

2:20-7.2 Importation of foreign plants under postentry quarantine permit

Any plants eligible for entry into the United States of America subject to postentry quarantine for which APHIS issues a postentry quarantine permit, for the purposes of being grown in New Jersey, shall be held and grown under postentry quarantine in accordance with the requirements of 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference, except that the Department shall limit the volume of plant importations to no more than 500 pieces, per species, per year, per person.

2:20-7.3 Department review of postentry quarantine agreement

- (a) Upon the Department's receipt from APHIS of a postentry quarantine agreement, the Department shall review the agreement to determine whether the Department will provide inspection and monitoring services in accordance with the terms of the postentry quarantine agreement.
- (b) The Department's determination shall be based on the availability of Departmental resources to undertake the provision of inspection and monitoring services in accordance with the terms of the postentry quarantine agreement, taking into consideration the availability of technically trained State inspectors, and the numbers of sites and plants already growing in postentry quarantine as to which the Department has undertaken to provide inspection and monitoring services. The Department's determination also shall be based on whether the terms of the proposed postentry quarantine, as articulated in the postentry quarantine agreement, are conducive to an effective and efficient quarantine for the inspection of monitoring of plants and the identification and elimination of exotic plant pests, taking into consideration the type and number of plants in relation to the size and physical characteristics of the site.
- (c) If the Department determines that the terms of the postentry quarantine agreement on its face are beyond the available resources of the Department, the Department shall report to APHIS as soon as practicable that the Department declines to undertake the postentry quarantine agreement.
- (d) Unless the Department has declined to undertake the postentry quarantine agreement in accordance with (c) above, then one or more inspectors shall meet with the person who is a party to the postentry quarantine agreement and shall inspect sites indicated in the postentry quarantine agreement.
- (e) After it has conducted the site inspection described in (d) above, the Department shall report to APHIS:
 - 1. Whether the site is of adequate size to contain the number of plants proposed for postentry quarantine, taking into account potential increase in number to the extent authorized under 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference;
 - 2. Its recommendations for appropriate revisions to the postentry quarantine permit toward ensuring an effective and efficient quarantine for the inspection and monitoring of plants and the identification and elimination of exotic plant pests, taking into consideration the type and number of plants in relation to the size and physical characteristics of the site; and
 - 3. Whether the Department declines or accepts to undertake the postentry quarantine pursuant to the terms of the postentry quarantine agreement, based upon its consideration of the factors described in (b) above. The Department may condition its acceptance on APHIS' revision of the terms of the postentry quarantine agreement in accordance with the Department's recommendations issued pursuant to (e)2 above.

2:20-7.4 Departmental inspection and monitoring; reporting to APHIS

- (a) Upon APHIS' issuance of a notice of shipment of plants with respect to which the Department has agreed to provide inspection and monitoring services, the Department shall inspect and monitor plants in postentry quarantine for a minimum two years following APHIS' release of the plants from the port of entry, at least once during the first year and at least once during the second year. The purpose of the Department's inspection shall be to check for evidence of exotic plant pests and to ascertain the kind and number of plants at a site and whether the permit holder is in compliance with the terms of the postentry quarantine agreement and the postentry quarantine permit
- (b) The Department shall report to APHIS any evidence of exotic plant pests found by inspectors.
- (c) The Department shall report to APHIS any change in the number of plants at a postentry quarantine site from the number indicated in the notice of shipment.
- (d) The Department shall report to APHIS any noncompliance with the terms of the postentry quarantine agreement and the postentry quarantine permit.

2:20-7.5 Right of access

- (a) Persons entering into a postentry quarantine agreement shall be deemed to have acknowledged and consented to the Department's authority, without prior notice, to enter private property containing a site for the purpose of inspecting plants for evidence of exotic pests, in accordance with 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference, and N.J.S.A. 4:7-13 and 35.
- (b) Persons interfering with or obstructing the Department or an inspector in the conduct of postentry quarantine inspection and monitoring services shall be subject to the sanctions provided at [N.J.S.A.] 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference, and N.J.S.A. 4:7-13, 14 and 18.

2:20-7.6 Treatment or destruction of diseased or infested plants

- (a) If the Department finds evidence of exotic plant pests infesting or infecting plants grown under postentry quarantine, the Department shall recommend to APHIS safeguards or pest mitigation methods to be taken to control the pest.
- (b) Upon the Department's receipt from APHIS of a copy of an emergency action notification relating to plants in postentry quarantine that show evidence of infestation or infection with an exotic plant pest, the Department shall supervise any pest mitigation methods taken to control the pest and the plants shall be subject to control measures, including destruction, in accordance with 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference, and N.J.S.A. 4:7-8, 16 through 19, and 23.
- (c) The Department shall report to APHIS any pest mitigation actions taken at the postentry quarantine site.